

Appendix D

Compatibility Determinations

Compatibility Determination for Recreational Fishing

Use: Recreational Fishing

Refuge Name: Medicine Lake National Wildlife Refuge (NWR) Complex

Establishing and Acquisition Authorities:

- Migratory Bird Conservation Act of 1929
- Executive Order 7148, dated August 19, 1935

Refuge Purposes:

- “As a refuge and breeding ground for migratory birds and other wildlife.” (Executive Order 7148, dated August 19, 1935)
- “For use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” (16 U.S.C. § 715d [Migratory Bird Conservation Act])
- “Protect and preserve the wilderness character of areas within the National Wilderness Preservation System...in a way that will leave them unimpaired for future use and enjoyment as wilderness.” (Public Law 88-577 [Wilderness Act])

National Wildlife Refuge System

Mission:

The mission of the Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Description of Use:

The use would be a continuation of the historic activity of recreational (noncommercial) fishing. Public use areas, such as parking and fishing areas, as well as boat ramps, interpretive panels and signs, information kiosks, and other structures, will

need to be maintained or constructed to facilitate this program. Areas on the refuge complex that are seasonally sensitive to migratory birds will remain closed to public entry and use. Public visitation at Medicine Lake NWR averages 16,000 visits annually; of these, 1,400 visits are for fishing. Only selected areas of the refuge complex will be open to fishing and will be posted accordingly. Special refuge regulations governing fishing will be available in refuge brochures. Current refuge fishing brochures are attached.

Fishing on Medicine Lake NWR Complex is allowed from November 15 to September 15 each year and from sunrise to sunset daily. Medicine Lake has 8 public fishing access areas, and each is posted with Public Fishing Area signs. Anglers are required to follow Montana state law and refuge regulations. Bank fishing at designated sites is allowed whenever there is open water. Boat fishing is allowed on Medicine Lake from a period beginning at ice-out through September 15. Ice fishing is allowed when the ice is thick and safe enough to support anglers. There are 2 primitive boat ramps to support the summer motorless-boat fishing program. The entire north shore of the lake is available for fishing. Several areas are available for walk-in access for ice fishing. All motorized vehicles and power ice augers are prohibited within the high-water line of Medicine Lake west of Montana State Highway 16. The use of ice fishing shelters will be allowed in accordance with state law and special refuge regulations. Fishing derbies may be allowed by issuing special use permits (SUP) and special conditions.

Availability of Resources:

The refuge complex has adequate administrative and management staff to maintain its fishing program. Implementing improvements or expanding fishing opportunities will be described in step-down management plans and addressed through future funding requests.

Annual funding is needed for seasonal workforce salaries and for supplies to maintain fishing facilities (including mowing, painting, and repairing facilities, litter pickup, restroom cleaning supplies, and periodic pumping costs for vaulted toilets). Funding is needed for law enforcement staff salaries, fuel costs, repairs and maintenance of patrol vehicles, and associated costs to support the law enforcement program. Funding is needed for a maintenance worker salary and equipment to maintain fishing

areas and facilities. Routine law enforcement patrols occur year-round. Medicine Lake NWR complex has 1 collateral duty law enforcement officer and receives assistance from local Montana Fish, Wildlife, and Parks officers.

Anticipated Impacts of the Use:

The proposed action recommends an annual review of the fishing program. This evaluation will determine what effect diverting funding and staff will have on the ability of the refuge complex to implement habitat management. Limited staff and funding will be directed first toward habitat management. Lack of funding and personnel may result in decreased opportunities and facilities.

Temporary disturbance of wildlife may occur in the vicinity of fishing activity. Fishing will temporarily decrease the fish population until natural reproduction or stocking replenishes the population. Frequency of use is directly dependent upon fish populations and their feeding activity. When fish populations are high and active, public use will increase. Historically, Medicine Lake experiences a winter kill on average once in 10 years, and the fishery needs time to recover. The vast majority of fishing visits are from local fishermen from the very small (population 250) and rural community of Medicine Lake. No long-term negative impacts to the refuge or its resources are anticipated.

Public Review and Comment:

Public review and comment will be solicited through public posting of notices at each refuge, notices in local newspapers, and CCP public meetings.

Determination:

Recreational public fishing is compatible.


Stipulations Necessary to Ensure Compatibility:

Current regulations are included in the attached Medicine Lake NWR Complex fishing brochures. Anglers also are required to follow Montana state law.

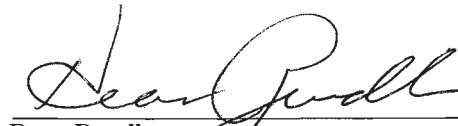
Justification:

Recreational fishing is a historic wildlife-dependent use at Medicine Lake NWR and is one of the priority public uses as specified in the Refuge Improvement Act of 1997. Infrastructure is already in place to facilitate this activity. Current staffing levels and funding resources are adequate. Special refuge regulations are in place to minimize negative impacts to refuge habitat and wildlife.

Signature:

 08/23/07
 Jerry Rodriguez Date
 Project Leader, Medicine Lake NWR

Concurrence:

 9/11/07
 Dean Rundle Date
 Refuge Supervisor CO, WY, MT, UT

Approval:

 9/11/07
 Rick Coleman Date
 ARD – Refuges/Partners for Fish and Wildlife

Mandatory 15-Year Re-evaluation Date: X

Compatibility Determination for Recreational Hunting

Use: Recreational Hunting

Refuge Name: Medicine Lake National Wildlife Refuge (NWR) Complex

Establishing and Acquisition Authorities:

- Migratory Bird Conservation Act of 1929
- Executive Order 7148, dated August 19, 1935

Refuge Purposes:

- “As a refuge and breeding ground for migratory birds and other wildlife.” (Executive Order 7148, dated August 19, 1935)
- “For use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” (16 U.S.C. 715d [Migratory Bird Conservation Act])
- “Protect and preserve the wilderness character of areas within the National Wilderness Preservation System...in a way that will leave them unimpaired for future use and enjoyment as wilderness.” (Public Law 88-577 [Wilderness Act])

National Wildlife Refuge System

Mission:

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Description of Proposed Use:

The Medicine Lake NWR complex is open to recreational public hunting in accordance with State of Montana seasons and regulations established for each area. There are an estimated 7,200 hunter visits on refuge complex lands each year which is about 45 percent of the annual visitation on the refuge (annual visitation is about 16,000). Most of the hunter visits are for ring-necked pheasants. The refuge staff observes a small number of waterfowl hunters each year. The number of hunter visits for deer are estimate at fewer than 50. Animals that are currently hunted or may be hunted include:

white-tailed deer
pronghorn antelope
waterfowl (ducks and geese)
mourning dove
sharp-tailed grouse
ring-necked pheasant
Hungarian partridge
coyote
red fox
white-tailed jackrabbit

Specific areas are open to hunting during early seasons. Other areas on the refuges, with exception of administrative areas, may open later in the season or be opened on a case-by-case basis to persons with disabilities who might not otherwise be able to participate in this activity. Specific regulations are attached and are available to the public at information kiosks and administrative areas.

Hunting is a designated priority public use established for the Refuge System. The harvest of these species will be compensatory mortality, with minimal impact to the overall health of their populations.

Parking areas, interpretive panels, and signs and other structures will need to be maintained or constructed (accessible hunting blind) to facilitate this program.

Availability of Resources:

Currently, sufficient resources are available to continue the existing recreational hunting programs. Implementing improvements or expanding hunting opportunities will be described in step-down management plans and addressed through future funding requests.

Anticipated Impacts of the Use:

Temporary disturbance will exist to wildlife in the vicinity of the activity. Animals surplus to populations will be removed by hunting. A temporary decrease in populations of wildlife might help ensure that carrying capacity (especially for big-game species) is not exceeded. Closed areas will provide some sanctuary for game and nongame species, minimize conflicts between hunters and other visitors, and provide a safety zone around communities and administrative areas.

Public Review and Comment:

Public review and comment will be solicited through public posting of notices at the refuge, notices in local newspapers, and public meetings held during the CCP process.

Determination:

Recreational public hunting is compatible.

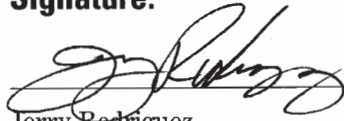
Stipulations Necessary to Ensure Compatibility:

Current stipulations are included in attached brochures specific for each refuge.

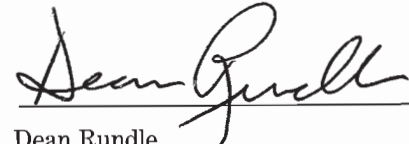
Justification:

Recreational public hunting is a historic wildlife dependent use of the refuge complex, and is designated as 1 of the priority public uses as specified in the Refuge Improvement Act of 1997. Infrastructure is already in place to support hunting programs, and current staffing levels and funding are adequate. Special regulations are in place to minimize negative impacts to the refuges and associated wildlife. Montana state law further controls hunter activities. Hunting is a legitimate wildlife management tool that can be used to control wildlife populations. Hunting harvests a small percentage of the renewable resources, which is in accordance with wildlife-management objectives and principles.

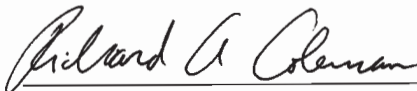
Signature:

 08/23/07
Date
Jerry Rodriguez
Project Leader, Medicine Lake NWR

Concurrence:

 9/11/07
Date
Dean Rundle
Refuge Supervisor, CO, WY, MT, UT

Approval:

 9/11/07
Date
Rick Coleman
ARD – Refuges/Partners for Fish and Wildlife

Mandatory 15-Year Re-evaluation Date: X

Compatibility Determination for Public Use

Use: Public use for wildlife observation, photography, environmental education and interpretation.

Refuge Names: Medicine Lake National Wildlife Refuge (NWR) Complex

Establishing and Acquisition Authorities:

- Migratory Bird Conservation Act of 1929
- Executive Order 7148, dated August 19, 1935

Refuge Purposes:

- “As a refuge and breeding ground for migratory birds and other wildlife.” (Executive Order 7148)
- For use as an inviolate sanctuary, or for any other management purpose, for migratory birds and other wildlife.” § 715d [Migratory Bird Conservation Act])
- “Protect and preserve the wilderness character of areas within the National Wilderness Preservation System...in a way that will leave them unimpaired for future use and enjoyment as wilderness.” (Public Law 88-577 [Wilderness Act])

National Wildlife Refuge System

Mission:

The mission of the Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Description of Use:

The use would be a public use, for wildlife observation, photography, environmental education and interpretation. Medicine Lake NWR complex is currently open for public use in accordance with special refuge regulations. There were an estimated 16,000 public visits during 2006 for these activities. The refuge complex is open from dawn to dusk, and entry into closed areas is allowed through a special-use permit and special conditions that are evaluated on a case-by-case basis. Facilities will be maintained or constructed (visitor contact station, observation blind) to accommodate these activities.

These activities may take place on foot, bicycle, automobile, nonmotorized boat, canoe, horse, cross-country skis and snowshoes. Refuge staff will assist in activities when available. Organized groups, such as schools, scouts, and 4-H organizations, may have instructors or leaders who will use refuge habitat and facilities to conduct compatible programs. Ages of participants range from preschool to college and beyond.

Current activities:

auto-tour route – 1
hiking trail – 1
boat/canoe use – Medicine Lake
observation blind – 1 (seasonal)
observation tower – 1
environmental education area – 1, and
annual events
interpretive/information kiosk – 4
visitor contact station in office building

Availability of Resources:

Sufficient resources are available to continue the existing public use programs.

The CCP preferred alternative recommends expanding interpretation and environmental education, and maintaining wildlife observation programs and facilities. The interpretation and environmental education programs would emphasize the principles of natural plant and animal communities and ecological processes and restoration.

Implementing improvements or expanding public-use opportunities will be addressed in future step-down management plans and through future funding requests. Program expansion will require increased funding for operations and maintenance. When funding is not adequate to operate and maintain programs, they will be reduced in scope or discontinued. Information kiosks, interpretive signs, and other infrastructure are in place for the present level of public-use activities.

Anticipated Impacts of the Use:

No detrimental impacts are anticipated with the public-use programs. Temporary disturbance will exist to wildlife in the vicinity of the activity. Closed areas will provide sanctuary for wildlife.

Public Review and Comment:

Public review and comment will be solicited through public posting of notices at each refuge, notices in local newspapers, and CCP public meetings.

Determination:

Public Use – wildlife observation, photography, environmental education and interpretation are compatible.


Stipulations Necessary to Ensure Compatibility:

Current stipulations are included in an attached brochure.

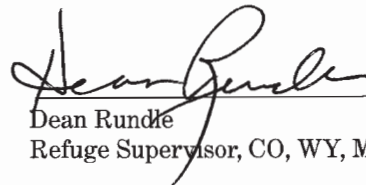
Justification:

Public use for wildlife observation, photography, environmental education and interpretation is a historic wildlife-dependent use of the refuge complex. These activities are designated as priority public uses as specified in the Refuge Improvement Act of 1997. Infrastructure is already in place to support public-use programs, and current staffing levels and funding are adequate. Special regulations are in place to minimize negative impacts to the refuges and associated wildlife.

Signature:

 08/23/07
Jerry Rodriguez Date
Project Leader, Medicine Lake NWR

Concurrence:

 9/11/07
Dean Rundle Date
Refuge Supervisor, CO, WY, MT, UT

Approval:

 9/11/07
Rick Coleman Date
ARD – Refuges/Partners for Fish and Wildlife

Mandatory 15-Year Re-evaluation Date: X
Mandatory 15-Year Re-evaluation Date: _____

Compatibility Determination
for
Prescribed Livestock Grazing
on
Medicine Lake National Wildlife Refuge
and
Northeast Montana Wetland Management District
for
Management Purposes

Use: Prescribed livestock grazing

Refuge Name: Medicine Lake NWR and Northeast Montana WMD

Establishing and Acquisition Authorities:

Medicine Lake NWR:

- Migratory Bird Conservation Act of 1929
- Executive Order 7148 dated August 19, 1935.

Northeast Montana WMD:

- Migratory Bird Conservation Act of 1929
- Migratory Bird Hunting and Conservation Stamp Act dated March 16, 1934 as amended by section 3 of the Act of August 1, 1958 (72 Stat. 486, 16 U.S.C. sec 716 d(c), to acquire small wetland areas as Waterfowl Production Areas.

Refuge Purpose(s):

Medicine Lake NWR:

- 16 U.S.C. 715d (Migratory Bird Conservation Act) "...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds."
- Executive Order 7148 "...as a refuge and breeding ground for migratory birds and other wildlife ..."
- Public Law 88-577 (Wilderness Act) "...protect and preserve the wilderness character of areas within the National Wilderness Preservation System ...in a way that will leave them unimpaired for future use and enjoyment as wilderness."

Northeast Montana WMD:

- 16 U.S.C. 718c (Migratory Bird Hunting and Conservation Stamp Act) "...as Waterfowl Production Areas subject to...all of the provisions of such Act [Migratory Bird Conservation Act]...except the inviolate sanctuary provisions..."

- 16 U.S.C. 715d (Migratory Bird Conservation Act) "...for any other management purpose, for migratory birds..."

National Wildlife Refuge System Mission:

To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations.

Description of Use:

Prescribed livestock grazing is proposed to be used as a habitat management tool for maintaining vegetative health (plant species composition and density) on the upland and wetland habitats within the Refuge and Wetland Management District, including the Sandhills Wilderness Area and Research Natural Areas. The use of livestock will remove standing vegetation, reduce vegetative litter, suppress woody vegetation and exotic invasive weeds, and open vegetative stands to sunlight and moisture to encourage native or planted (desirable) plants to grow. The Northern Great Plains grasslands have evolved over hundreds of years with disturbance from fire and grazing by large herds of bison and other wildlife. The lack of disturbance to refuge grassland vegetation in recent years has encouraged exotic invasive species, such as crested wheatgrass which has invaded into the native prairie and planted grasslands. Crested wheatgrass is becoming dominant in some areas and this condition impedes new grass and forb growth resulting in lowered species diversity and composition. Livestock grazing is carefully timed and short in duration (less than 3 weeks) to target certain species for grazing impacts to minimize seed production of exotic invasive species and stimulate root growth of native prairie or desirable planted vegetation. Grazing will also aide to rejuvenate planted grasslands by removing excessive plant litter, increasing forb density, and increase overall plant height and density. In addition, livestock grazing may be utilized to reduce hazardous fuels on adjacent units in preparation for prescribed burning or herbicide applications to control non-desirable vegetation. The use of livestock grazing will generally occur between the months April and October.

Availability of Resources:

Developing grazing plans and Special Use Permits (SUP) and monitoring compliance and biological effects will require staff time. Evaluating the grasslands for grazing prescriptions and grassland response for prescribed disturbance is already a part of the stations grassland management program. The costs associated with fence construction and maintenance, often temporary electric fence, and control and rotation of the livestock, are the responsibility of the cooperating private party. Market rate grazing fees are determined by the Regional Office located in Denver, CO, but may include standard deduction for fence construction and maintenance, frequent livestock rotations, construction of water gaps or hauling/providing additional water in dry pastures.

Anticipated Impacts of the Use:

Livestock grazing has the short-term effect of removing some or much of the standing vegetation. Properly prescribed, the effect of this removal of vegetation increases the vigor of the grassland, stimulates the growth of desired species of grass and forbs, and reduces the abundance of exotic invasive species such as crested wheatgrass and smooth brome grass by encouraging native plants. Grazing in the spring may cause the loss of some bird nests due to trampling, and may cause some birds not to nest in areas being grazed. Grazing on public lands may create an aesthetic issue of concern for some people or visitors who do not understand grassland management. Grazing livestock may create a minor or temporary disturbance to wildlife but generally do no harm. There is a potential for conflict between the visiting public and the livestock or the permittee, particularly during fall hunting seasons. These situations can be limited by having the livestock removed by the anticipated beginning of hunting season. The implementation of livestock grazing will result in minimal negative impact to preferred native vegetation and should have a significant potential for improving vegetative health of the plant community as part of an Integrated Pest Management approach. Wildlife species that are expected to benefit from the grassland management practice include: chestnut-collared longspur, Baird's sparrow, Sprague's pipit, northern pintail, and blue-winged teal.

Public Review and Comment:

Draft Compatibility Determination posted at the Refuge Office and public notice in the Plentywood and Culbertson newspapers for two weeks. No comments received.

Determination (check one below):

Compatibility Threshold: as this activity is an economic use, it must meet the compatibility threshold of "contributing to the Mission and Purposes" of the Refuge System and the Refuge Area. Prescribed grazing is used to improve and manage grassland habitats on Refuges and Waterfowl Production Areas and the migratory birds and other wildlife that use these habitats.

☐ Use is Not Compatible

☒ **XXX** Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. SUP will specify the stocking rate, dates of use, and timing for each unit or grazing cell on the Refuge or WPA.
2. The standard grazing fee, as determined for each state by the Regional Office.
And any standard deductions for any labor or work done on the Service lands will
be included on the SUP.
3. Grazing permittee must comply with all applicable State Livestock Health laws.

4. No supplemental feeding, including salt and mineral supplement will be allowed without authorization from the Project Leader/Manager.
5. Control and confinement of livestock will be the responsibility of the permittee.
6. The permit is issued subject to the revocation and appeals procedure contained in Title 50, Part 25 of the Code of Federal Regulations.

Justification:


Prescribed livestock grazing will not materially interfere or detract from the purposes for which these NWRS lands were acquired or established. Prescribed livestock grazing creates temporary and necessary disturbances to the vegetation which is desirable for the native plant communities. Livestock grazing does produce an undesirable but short-term impact to grassland nesting birds and aesthetic quality of the area being grazed. In the long-term, prescribed grazing increases grassland vigor, species diversity, and habitat quality. Prescribed grazing is one of several alternative management tools that can be used to replace or complement prescribed burning, mowing, or haying of Service grasslands. Without periodic disturbance caused by haying, burning, or grazing, the health of the native grassland communities would decline, as would the quality of nesting habitat for migratory birds.

Signature: Refuge Manager


Jerry Rodriguez

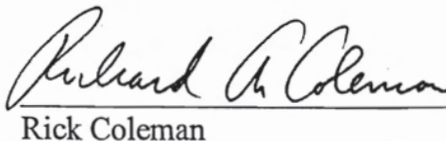
04/26/06
Date

Review: Refuge Supervisor


Steve Berendzen

5-1-06
Date

Concurrence: Regional Chief


Rick Coleman

5/5/06
Date

Mandatory 10 year Re-Evaluation Date: April 2016

Compatibility Determination
for
Cooperative Farming Program
on
Medicine Lake National Wildlife Refuge
and
Northeast Montana Wetland Management District
For
Management Purposes

Use: Cooperative farming

Refuge Name: Medicine Lake NWR and Northeast Montana WMD

Establishing and Acquisition Authorities:

Medicine Lake NWR:

- Migratory Bird Conservation Act of 1929
- Executive Order 7148 dated August 19, 1935.

Northeast Montana WMD:

- Migratory Bird Conservation Act of 1929
- Migratory Bird Hunting and Conservation Stamp Act dated March 16, 1934 as amended by section 3 of the Act of August 1, 1958 (72 Stat. 486, 16 U.S.C. sec. 716 d(c), to acquire small wetland areas as Waterfowl Production Areas.

Refuge Purpose(s):

Medicine Lake NWR:

- 16 U.S.C. 715d (Migratory Bird Conservation Act) "...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds."
- Executive Order 7148 "...as a refuge and breeding ground for migratory birds and other wildlife."
- Public Law 88-577 (Wilderness Act) "...protect and preserve the wilderness character of areas within the National Wilderness Preservation System ...in a way that will leave them unimpaired for future use and enjoyment as wilderness."

NE Montana WMD:

- 16 U.S.C. 718c (Migratory Bird Hunting and Conservation Stamp Act) "...as Waterfowl

Production Areas subject to ...all of the provisions of such Act [Migratory Bird Conservation Act] ...except the inviolate sanctuary provisions..."

- 16 U.S.C. 715d (Migratory Bird Conservation Act) "...for any other management purpose, for migratory birds..."

National Wildlife Refuge System Mission:

To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations.

Description of Use:

Cooperative farming is the term used for farming/cropping activities done by a private third party on lands owned in fee-title by the U. S. Fish and Wildlife Service (Service) or controlled by the Service through a conservation easement (wetland, grassland, or FmHA). This activity is usually done on a short-term basis (2-4 years or less) to control exotic invasive species (i.e. crested wheatgrass) and provide an optimum seed bed for the establishment of native grasses and forbs or other more desirable planted cover for wildlife. The farming is done under the terms and conditions of a Cooperative Farming Agreement or Special Use Permit (SUP) issued by the Project Leader or Wetland District Manager. Terms of the agreement insure that all current Service and District restrictions are followed.

Cooperative farming activities are limited to areas of former cropland or poor quality stands of non-native or exotic grasses. Wilderness, native prairie or areas that have no history of farming/cropping will not be plowed or farmed. Generally, no more than 50% of a WPA will be cooperatively farmed at any one time prior to reseeding to more desirable plant species.

Availability of Resources:

Staff time for development and administration of Cooperative Farming Agreements is already available. Most of the needed field work to prepare and plan for this use would be done as part of routine grassland management duties. The decision to use a cooperating farmer would occur as part of the overall strategy for managing lands on the Refuge or the WMD. The additional time needed to coordinate issuance of the SUP or Cooperative Farming Agreement and oversight of the permit is relatively minor and within Refuge or WMD resources. In addition, the use of a cooperating farmer frees up other staff time from conducting the farming operation force account.

Cooperative farming of Service owned lands in most cases is done on a share basis rather than for a monetary fee. The Service typically receives its share as harvested grain used for other management purposes, as standing grain left for wildlife food, or as additional work such as weed control, cultivation, or additional seed bed preparation, or for supplies such as herbicide or

grass seed all to be used on the same tract of land. Any fees or cash income received by the Service would be deposited in the Refuge Revenue Sharing Account. The Service will receive fair market value consideration from cooperating farmers, but the generation of income is a secondary consideration when developing the terms and conditions of a cooperative farming agreement or SUP.

Anticipated Impacts of the Use:

Cooperative farming to control exotic invasive species and prepare suitable seed beds for planting native plant species or desirable cover and habitat will result in short-term disturbances and long-term benefits to both migratory and resident wildlife using the Refuges, WPAs, and easements. Short-term impacts include disturbance and displacement of wildlife typical of any noisy heavy equipment operation, and the loss of poor quality cover while the tract is farmed. Wildlife may also use the farmed area as an additional food source for the period which it is farmed. Long-term benefits are positive due to the establishment of native plants and diverse or more desirable habitat for nesting, escape cover, perching, or non-crop feeding activities. The resulting habitat will improve conditions for the species negatively affected by the short period of farming activity.

Public Review and Comment:

Draft Compatibility Determination posted at the Refuge Office and public notice in the Plentywood and Culbertson newspaper for two weeks. No comments received.

Determination (check one below):

Compatibility Threshold: as this activity is an economic use, it must meet the compatibility threshold of “contributing to the Mission and Purposes” of the Refuge System and the Refuge Area. Cooperative farming is used to benefit Refuge and Waterfowl Production Area uplands and the migratory birds and other wildlife that use these lands.

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. SUP or Cooperative Farming Agreement will specify the type of crop to be planted and describe the Services' share.
2. The SUP may specify any herbicide or agricultural restrictions of the tract.
3. The SUP may specify timing constraints to insure that the proper field work is

completed at the appropriate time.

4. The permit is issued subject to the revocation and appeals procedure contained in Title 50, Part 25 of the Code of Federal Regulations.


Justification:

The cooperative farming of Service lands or easements is done to develop or reseed better wildlife cover and habitat than was previously on the area. Only areas that have been previously cropped, or stands of exotic invasive species (crested wheatgrass or brome grass), or decadent tame grass-legume mixes will be included in a cooperative farming plan. Cooperative farming in most cases provides the fastest, most cost effective means to establish native grasses or re-seeded cover on Service property. In many cases, tracts are located many miles away from the Refuge or WMD headquarters, making force account labor a very time-consuming effort. The long-term benefits of managed, quality cover offset the short-term impacts and disturbance while the tract is farmed prior to seeding or re-seeding.


Signature: Refuge Manager

 04/26/06
Jerry Rodriguez Date

Review: Refuge Supervisor

 5-1-06
Steve Berendzen Date

Concurrence: Regional Chief

 5/5/06
Rick Coleman Date

Mandatory 10 year Re-Evaluation Date: April 2016

**COMPATIBILITY DETERMINATION
for
Authorized Curtilage Expansion
or Structural Additions on Grassland Easements**

Use: Authorized expansion or construction of additional buildings or structures on a grassland or FmHA easement. Examples of proposed uses include additions to farmstead buildings, livestock facilities, storage sheds, or the planting of farmstead windbreaks.

Station Names:

South Dakota Wetland Management Districts:

Lake Andes WMD, SD
Madison WMD, SD
Huron WMD, SD
Waubay WMD, SD
Sand Lake WMD, SD
Lacreek NWR, SD

North Dakota Wetland Management Districts:

Tewaukon WMD, ND
Kulm WMD, ND
Arrowwood WMD, ND
Valley City WMD, ND
Chase Lake WMD, ND
Audubon WMD, ND
Long Lake WMD, ND
J Clark Salyer WMD, ND
Devils Lake WMD, ND
Lostwood WMD, ND
Crosby WMD, ND

Montana Wetland Management Districts:

Northeast Montana WMD, MT
Bowdoin WMD, MT
Benton Lake WMD, MT

Northwest Montana WMD, MT
Charles M. Russell WMD, MT

Establishing and Acquisition Authorities:

Waterfowl Production Areas, Wetland Easements, Grassland Easements - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 USC Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (PL 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 USC 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under the provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 USC Sec. 715, 715d - 715r, as amended.

FmHA deed restricted properties - Consolidated Farm and Rural Development Act - (7 USC Para. 2002).

Tall Grass Prairie Tracts - Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4 through 460l-11)

Refuge Purpose(s):

"...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act] ...except the inviolate sanctuary provisions..." 16 USC 718(c) (Migratory Bird Hunting and Conservation Stamp)

"...for any other management purpose, for migratory birds." 16 USC 715d (Migratory Bird Conservation Act)

"...for conservation purposes..." 7 USC 2002 (Consolidated Farm and Rural Development Act)

National Wildlife Refuge System Mission:

"The Mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans" (National Wildlife Refuge System Administration Act of 1966, as amended) [16 USC 668(dd)-668(ee)].

Description of Use:

A landowner may have need to increase the size of his/her home and increase the size or number of buildings and facilities on the farm or ranch operation in order to more efficiently continue the agricultural operation of the property, or to plant and develop a windbreak planting of trees to protect the farm house or livestock facilities. Such an expansion may be requested on upland areas adjacent to the existing farmstead, the base of operations for the farm/ranch, or on a former building site where buildings are no longer present, on lands that are included within a grassland or FmHA conservation easement. In order to be permitted, such a request must be shown to be consistent with existing agricultural uses or practices on the property, have no other reasonable location or alternative, essential to the farm/ranch operation, not be able to be accommodated by a temporary (less than one year) permit, and be judged not to materially interfere with or detract from the easement or the purpose and mission of the NWRs.

Availability of Resources:

Financial and staff resources are determined to be sufficient at each field station to administer these requests. Staff time will be needed to evaluate the proposed use, to prepare the site-specific permits, and to insure compliance with the permit authorization and stipulations necessary to insure compatibility.

Anticipated Impacts of the Use:

Authorized use of easement protected grasslands for expanded farmstead, farm or ranch facilities, or a farmstead windbreak, will result in a loss or destruction of the grassland where the facilities are built. The remainder of the easement tract will not be affected. The disturbance caused by the expanded farmstead, additional buildings or facilities, new or expanded windbreak, on an existing building site or a former building site is not expected to be significantly greater than that caused by the previous structures, and will not contribute to the fragmentation of existing habitats.

The impacts associated with this authorized use will be minimal due to the relatively small size or acreage of the proposed facilities. If multiple requests are received from the same landowner, or for the same easement by different or subsequent landowners, they will each be evaluated on its own merits. Each grassland easement may be authorized up to a threshold level of 8 acres of total impact, whether it occurs at one time or through different approved requests. Therefore, only up to 8 acres of potential grassland impact may be authorized for each grassland easement for authorized expansion or construction of additional buildings or structures, or a proposed tree planting for farmstead windbreak purposes.

In addition, there will be no secondary impacts allowed within this Compatibility Determination. Fragmentation of grasslands habitats is minimized by allowing curtilage expansion only on existing or former building sites, or for farm/ranch operations. If the

potentially affected grassland provides habitat for wildlife species with management concerns, such as a grouse lek or burrowing owl nesting site, or some unique feature, the use may not be allowed, or it may be permitted only with stipulations that would eliminate the secondary or indirect impact. The Region 6 states of South Dakota, North Dakota, and Montana have over 500,000 acres of grasslands protected by Service easements. It is anticipated that between five and ten requests annually may be received to allow curtilage expansion. Under this scenario, a maximum of between 40 and 80 acres annually could be affected. This is an immaterial impact to the acreage included within the grassland easement program.

If multiple requests are received from the same landowner, or on the same easement, each will be evaluated on its own merits. Each grassland easement contract may be authorized up to one threshold level (8.0 acres) of total impact, whether it occurs at one time or in different request authorizations. Therefore, only up to 8.0 acres of encumbered grassland per easement contract (regardless of its size), may be authorized for curtilage expansion or other authorized uses.

Public Review and Comment:

The period of public review and comment began April 10, 2005 and ended April 17, 2005.

Posted notices were made in public places for each of the field stations listed on this Compatibility Determination. This method was selected because the proposed activity is considered minor, incidental, infrequent, with only minimal impacts. No comments were received as a result of the posted notices.

Determination:

Compatibility Threshold: In order to be compatible, this use must not exceed the upper threshold limit of 8 acres on grassland. To achieve compatibility, the proposed use must not interfere with nor detract from the mission or the purposed for which the easement areas were established.

_____ Use is Not Compatible

XXX Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Issuance of a permit does not preclude the requirements for obtaining necessary permits and/or approvals from other County, State, or Federal Agencies and from local landowners.

2. The permit is issued subject to the revocation and appeals procedure contained in Title 50, Part 25 of the Code of Federal Regulations.
3. Storage of building materials or disposal of fill material from the construction project will not be allowed on easement protected grassland areas.
4. Additional stipulations may be added or included to address specific concerns with individual projects or requests or to address any secondary impacts which may occur as a result of the proposed use.

Justification:

The expansion of curtilage or the construction of additional structures for agricultural or farmstead use is expected to be permitted only rarely, perhaps five to ten times per year for ALL the stations listed within this CD.

Data from the Habitat and Population Evaluation Team (HAPET) in the Bismarck FWS office can be used to predict the waterfowl response to the permitted upland changes. Evaluating grassland loss from a waterfowl population perspective is not precise, because we are estimating the loss of productivity of a hen that may or may not nest on a grassland site because of a disturbance or a slightly smaller size. HAPET used the Mallard Model to evaluate the change in the productivity of the affected grassland habitat. The land cover composition of a grassland easement (160 acres) and 1990 acres of cropland within a four-square mile landscape (2,560 acres), was incrementally reduced by the amount of grassland necessary to cause a production decline of two ducks (one pair). This size grassland easement was chosen because it represents the smallest individual tract to be considered for a stand-alone easement purchase, and the impact of grassland loss is proportionally greater on a smaller tract. The loss of two ducks produced equates to a replacement pair of ducks for the following breeding season. The average decrease in native grassland required to achieve a one pair reduction was 10 acres.

In a second modeling analysis, Breeding Bird Survey data were used to estimate the average breeding bird population on 160 acres of native grassland. A modeled loss of 5 acres of 160 acres of grassland showed no discernable change (positive or negative) in the breeding bird population of the 160 acre easement tract.

The working group proposes that the threshold level of grassland impact is 8 acres, in order to build in a margin of safety. The 8-acre figure (80 % of the actual determination made by HAPET for nesting ducks) corresponds with the 80% value developed for the wetland threshold. In conclusion, a proposed use that passes all the filters in the flowchart, and results in a grassland impact of 8 acres or less, may be determined to be less than a “material impact” which would interfere with or detract from the Mission or the purpose

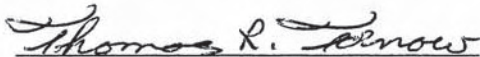
for which the grassland easement was purchased.

Mandatory 10-Year Reevaluation Date: 10 years from the date of APPROVAL signature

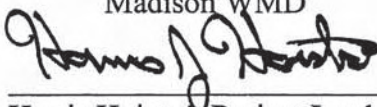
Enter Re-evaluation date: _____.

Signatures:Submitted:Michael Bryant, Project Leader
Lake Andes WMD4/26/05

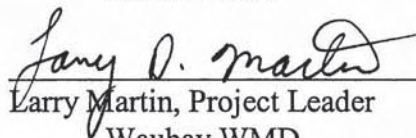
Date

Tom Tornow, Project Leader
Madison WMD4-26-05

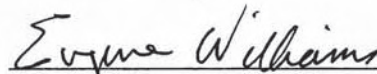
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Harris Hoistad, Project Leader
Huron WMD4-26-05

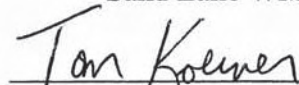
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Larry Martin, Project Leader
Waubay WMD26 April 2005

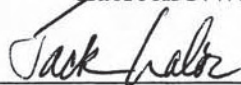
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Gene Williams, Project Leader
Sand Lake WMD4-26-05

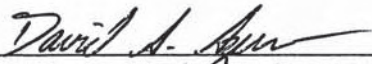
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Tom Koerner, Project Leader
Lacreek NWR4-26-05

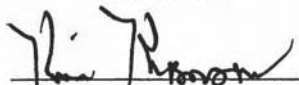
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Jack Lalor, Acting Project Leader
Tewaukon WMD4/26/05

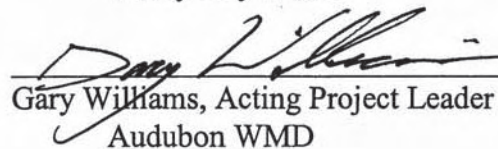
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Dave Azure, Acting Project Leader
Kulm WMD4/26/05

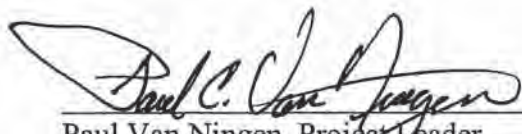
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Kim D. Hanson, Project Leader
Arrowwood WMD
Chase Lake WMD
Valley City WMD4/26/05

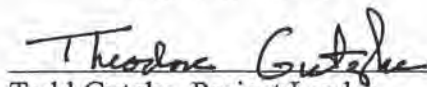
Date

Gary Williams, Acting Project Leader
Audubon WMD4/26/05

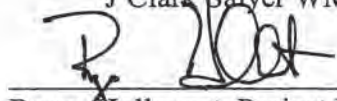
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 Paul Van Ningen, Project Leader
 Long Lake WMD

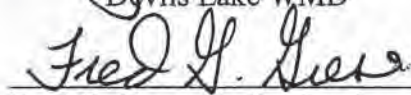
4/26/05
 Date


 Tedd Gutzke, Project Leader
 J Clark Salyer WMD

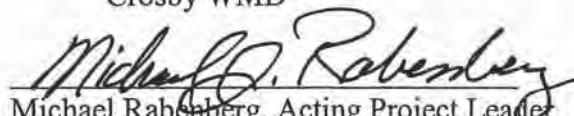
April 26, 2005
 Date


 Roger Hollevoet, Project Leader
 Devils Lake WMD

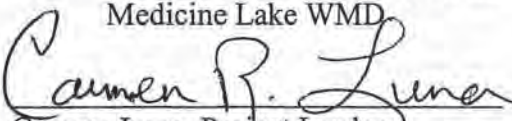
4/26/05
 Date


 Fred G. Giese, Project Leader
 Lostwood WMD
 Crosby WMD

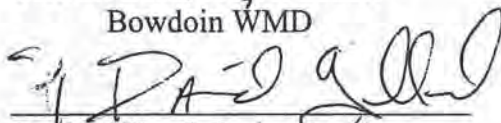
04/26/05
 Date


 Michael Rabenberg, Acting Project Leader
 Medicine Lake WMD

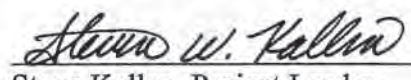
04/26/05
 Date


 Carmen Luna, Project Leader
 Bowdoin WMD

4/26/05
 Date



 David Gillund, Project Leader
 Benton Lake WMD

4/26/05
 Date


 Steve Kallan, Project Leader
 NW Montana WMD

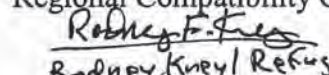
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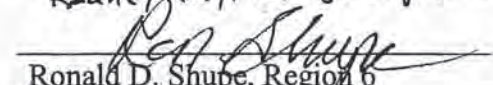
Review:


 Lloyd Jones
 Regional Compatibility Coordinator

4.27.05
 Date


Approval:


 Rodney Kneel, Refuge Supervisor


 Ronald D. Shupe, Region 6
 Acting Chief of Refuges

4/28/05
 Date

May 15, 2005
 Date

COMPATIBILITY DETERMINATION
for
Authorized Early Haying
of Grassland Easements
for
Management Purposes

Use: Authorized Early Haying of Grassland Easements and FmHA Conservation Easements.

Station Names:

South Dakota Wetland Management Districts:

Lake Andes WMD, SD
Madison WMD, SD
Huron WMD, SD
Waubay WMD, SD
Sand Lake WMD, SD
Lacreek NWR, SD

North Dakota Wetland Management Districts:

Tewaukon WMD, ND
Kulm WMD, ND
Arrowwood WMD, ND
Valley City WMD, ND
Chase Lake WMD, ND
Audubon WMD, ND
Long Lake WMD, ND
J Clark Salyer WMD, ND
Devils Lake WMD, ND
Lostwood WMD, ND
Crosby WMD, ND

Montana Wetland Management Districts:

Medicine Lake WMD, MT
Bowdoin WMD, MT
Benton Lake WMD, MT
Northwest Montana WMD, MT

Establishing and Acquisition Authorities:

Waterfowl Production Areas, Wetland Easements, Grassland Easements - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 USC Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (PL 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 USC 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under the provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 USC Sec. 715, 715d - 715r, as amended.

FmHA deed restricted properties - Consolidated Farm and Rural Development Act - (7 USC Para. 2002).

Tall Grass Prairie Tracts - Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4 through 460l-11)

Refuge Purpose(s):

"...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act] ...except the inviolate sanctuary provisions..." 16 USC 718(c) (Migratory Bird Hunting and Conservation Stamp)

"...for any other management purpose, for migratory birds." 16 USC 715d (Migratory Bird Conservation Act)

"...for conservation purposes..." 7 USC 2002 (Consolidated Farm and Rural Development Act)

National Wildlife Refuge System Mission:

"The Mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans" (National Wildlife Refuge System Administration Act of 1966, as amended) [16 USC 668(dd)-668(ee)].

Description of Use:

Haying is the cutting and removal, by baling or stacking, and transport to an off-site location, of grass and/or forb species. Haying of grassland easement-protected properties is not restricted after July 15 each year. Landowners may hay their lands every year after

this date without compromising the terms of the easement. However, the use described in this compatibility determination is to permit early haying (prior to July 15) of the uplands to accomplish some management purpose on the land. The control of noxious weeds is primarily the target of early haying agreements. Canada thistle, a perennial, primary noxious weed, is required by state law to be controlled by each landowner. Haying can be an effective tool in controlling the seed dispersal of Canada thistle, but it must be done before the thistle flowers mature and develop wind-dispersed seeds. In many years, the thistle plants have matured and dispersed their seeds prior to July 15, and haying after seed dispersal would not be effective as a management tool.

Periodic early haying may also be authorized to help improve the vigor and health of the grass stand. It is expected that the authorized use of early haying for this purpose will be used very infrequently.

Haying prior to July 15th to increase plant density is also a management tool occasionally used. This is primarily done the first few years after a new seeding to encourage tillering and to accelerate establishment. Haying, rather than just mowing, the plants helps to prevent shading caused by the mowed vegetation left in the field. Haying done just prior to seed head development will stimulate most grass plants to propagate vegetatively by rhizomes rather than by seed production. This generally encourages grass plants to fill in bare soil areas between plants, compete more favorably with invasive species, and shorten the overall establishment period on new grass seedings.

Availability of Resources:

Financial and staff resources are determined to be sufficient at each field station to administer these requests. Staff time will be needed to evaluate the proposed use, to prepare the site-specific permits, and to insure compliance with the permit authorization and stipulations necessary to insure compatibility.

Anticipated Impacts of the Use:

Authorized early haying of grassland easements may displace some wildlife species during the time period the haying operation is being performed. It is possible, also, that some nesting migratory birds may be disturbed, and abandon their nests as a result of the haying operation. The decision to authorize early haying must weigh the potential benefits of legally required weed control, plant density management, and other management gains, against these short-term losses associated with the early haying.

Cutting and removal of standing grasses prior to July 15 will also result in short-term loss of habitat for those species requiring tall grasses for feeding and perching.

The impacts associated with this authorized use will be minimal since the area will likely be hayed after July 15 anyway, which is not prohibited by the easement agreement. Therefore, the impacts of the use are only between the time of authorized early haying, and July 16 in any given year.

Public Review and Comment:

The period of public review and comment began April 10, 2005 and ended April 17, 2005.

Posted notices were made in public places for each of the field stations listed on this Compatibility Determination. This method was selected because the proposed activity is considered minor, incidental, infrequent, with only short-term disturbance, and/or displacement of wildlife. No comments were received as a result of the posted notices.

Determination:

Compatibility Threshold: As this activity is an economic use, it must meet the compatibility threshold of “contributing to the Mission and Purposes” of the Refuge System and the Refuge Area.

_____ Use is Not Compatible

XXX Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Issuance of a permit does not preclude the requirements for obtaining necessary permits and/or approvals from other County, State, or Federal Agencies and from local landowners.
2. The permit is issued subject to the revocation and appeals procedure contained in Title 50, Part 25 of the Code of Federal Regulations.
3. Permits for early haying will not be issued in consecutive years for the same land.
4. If a permit is issued for weed control on tame grassland, a condition of the permit must include a required fall herbicide treatment of the regrown noxious weeds at the permittee's expense.
5. Bales or stacks must be removed from the area within two weeks after baling.

6. Early haying to encourage tillering on new grass seedings should leave at least 5" of stubble to ensure sufficient leaf area needed for the responding growth.

Justification:

The control of noxious weeds is required of every landowner by state law, even on grassland easement-encumbered property. If infestations are severe, then a measure of weed control can be achieved by haying the lands with the infestation to limit the seed dispersal. Seed dispersal in Canada thistle often happens prior to July 15, so knocking the plants down prior to seed maturation and dispersal can help control the invading plants.

Additionally, more effective weed control can be achieved by removing the overstory of grass, allowing the tap-rooted noxious weeds to regrow, then applying a herbicide treatment. The grass will not regrow as quickly as the forb (weed) species, and the spraying application will be more effective, especially going into the fall season when the thistle plants are storing their root reserves for the winter dormant period.

Early haying to encourage tillering can shorten the establishment period of new grass seedings. Obtaining the best stand of grass in the shortest time period possible will increase wildlife use and minimize the need for weed control in subsequent years.

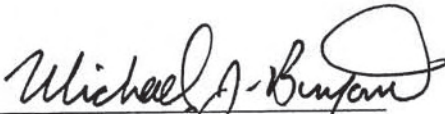
As such, it is concluded that the accrued benefits of more effective weed control and shorter establishment periods more than compensate for the potential short-term loss associated with authorized weed control and plant density management accomplished by haying the grassland area prior to July 15.

Mandatory 10-Year Reevaluation Date:

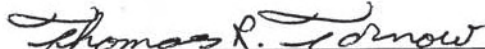
10 years from the date of APPROVAL signature

Enter date: _____

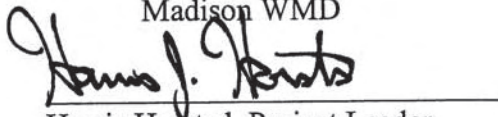
Signatures:Submitted:


 Michael Bryant, Project Leader
 Lake Andes WMD

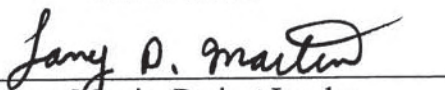
3/10/2005
 Date


 Tom Tornow, Project Leader
 Madison WMD


3-10-05
 Date


 Harris Holstad, Project Leader
 Huron WMD

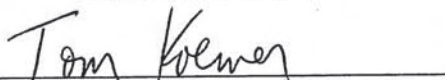
3-10-05
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 Larry Martin, Project Leader
 Waubay WMD


3-10-05
 Date


 Gene Williams, Project Leader
 Sand Lake WMD

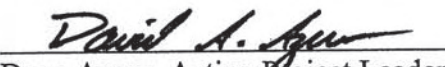
3-10-05
 Date


 Tom Koerner, Project Leader
 Lacreek NWR

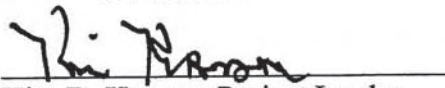
3-10-05
 Date


 Jack Lalor, Acting Project Leader
 Tewaukon WMD

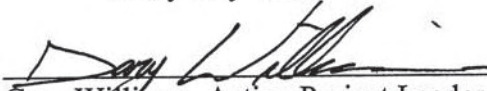
4/26/05
 Date


 Dave Azure, Acting Project Leader
 Kulm WMD

3-10-05
 Date


 Kim D. Hanson, Project Leader
 Arrowwood WMD
 Chase Lake WMD
 Valley City WMD

3/10/05
 Date


 Gary Williams, Acting Project Leader
 Audubon WMD

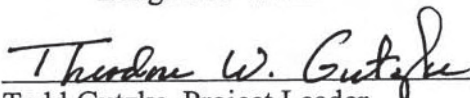
3/10/05
 Date



Paul Van Ningen, Project Leader
Long Lake WMD

3/10/2005


Date



Tedd Gutzke, Project Leader
J Clark Salven WMD

3/10/2005

Date



Roger Hollevoet, Project Leader
Devils Lake WMD

3/10/05

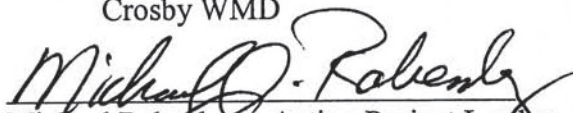
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Fred G. Giese, Project Leader
Lostwood WMD
Crosby WMD

04/26/05

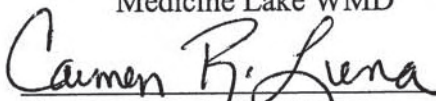
Date



Michael Rabenberg, Acting Project Leader
Medicine Lake WMD

04/26/05

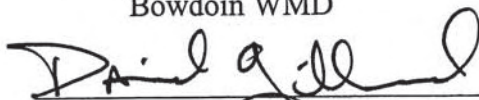
Date



Carmen Luna, Project Leader
Bowdoin WMD

4/26/05

Date



David Gilland, Project Leader
Benton Lake WMD

4/26/05

Date



Steve Kallan, Project Leader
NW Montana WMD

4/26/05

Date

Review:

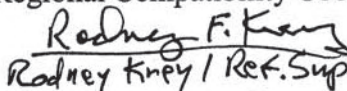


Lloyd Jones
Regional Compatibility Coordinator

4.27.05

Date

*Shabir
4/28/05*



Rodney Krey / Ref. Sup

4/28/05

Approval:



Ronald D. Shupe, Region 6
Acting Chief of Refugees

4/28/05

Date

COMPATIBILITY DETERMINATION
for
PUBLIC AND PRIVATE
BURIED UTILITY LINES
OCCURRING ON
FWS
EASEMENT PROPERTIES
or Fee-Owned WPA's

Use: Projects associated with buried utility lines and/or cables where impacts to Service lands and interests are only temporary and minor. Requests from utility companies, rural water systems, and minor impacts associated with some highway improvement projects, and certain requests from private landowners. The use covered by this compatibility determination is in conjunction with the Region 6 Policy Memorandum of April 5, 2002, entitled "Rights-of Way and Permits for Minor Disturbance Projects". See Exhibit XII-7 for a copy of the Policy Memorandum.

Station Names:

South Dakota Wetland Management Districts:

Lake Andes WMD, SD
Madison WMD, SD
Huron WMD, SD
Waubay WMD, SD
Sand Lake WMD, SD
Lacreek NWR, SD

North Dakota Wetland Management Districts:

Tewaukon WMD, ND
Kulm WMD, ND
Arrowwood WMD, ND
Valley City WMD, ND
Chase Lake WMD, ND
Audubon WMD, ND
Long Lake WMD, ND
J Clark Salyer WMD, ND
Devils Lake WMD, ND
Lostwood WMD, ND
Crosby WMD, ND

Montana Wetland Management Districts:

Medicine Lake WMD, MT
 Bowdoin WMD, MT
 Benton Lake WMD, MT
 Northwest Montana WMD, MT

Establishing and Acquisition Authorities:

Waterfowl Production Areas Wetland Easements, Grassland Easements - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 USC Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (PL 85-585; 72 Stat. 486) for acquisition of “Waterfowl Production Areas”; the Wetlands Loan Act, October 4, 1961, as amended (16 USC 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under the provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 USC Sec. 715, 715d - 715r, as amended.

FmHA deed restricted properties - Consolidated Farm and Rural Development Act - (7 USC Para. 2002).

Tall Grass Prairie Tracts - Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4 through 460l-11)

Refuge Purpose(s):

“...as Waterfowl Production Areas” subject to “...all of the provisions of such Act [Migratory Bird Conservation Act] ...except the inviolate sanctuary provisions...” 16 USC 718(c) (Migratory Bird Hunting and Conservation Stamp)

“...for any other management purpose, for migratory birds.” 16 USC 715d (Migratory Bird Conservation Act)

“...for conservation purposes...” 7 USC 2002 (Consolidated Farm and Rural Development Act)

National Wildlife Refuge System Mission:

“The Mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans” (National Wildlife Refuge System Administration Act of 1966, as amended) [16 USC 668(dd)-668(ee)].

Description of Use:

Wetland Management Districts receive frequent requests from utility companies to cross fee and easement properties with buried pipelines, electric cables, communications lines, natural gas lines, and/or rural or potable water lines or systems. These requests are generally part of an overall area-wide project to provide better services to the people residing in the area. When these types of projects are proposed in the Prairie Pothole Region, it may not be possible to avoid all Service land interests (fee and easement), and therefore, some Service property interests may be temporarily impacted during the construction period. This use includes requests for projects on wetland, grassland, FmHA, or conservation easements or fee-owned Waterfowl Production Areas. Construction methods may include cable-plowing, utilizing a vibrating cable-plow, or narrow trenching equipment. In each case, the surface disturbance is minimal, and the temporary cable or trenching scar will grow over with grass or marsh vegetation within a year or two.

A second area covered by this Compatibility Determination is requests received to temporarily alter upland sites in conjunction with highway maintenance projects to improve highway safety. These activities may be outside the existing highway right-of-way, but a formal ROW expansion is not needed because of the only temporary impacts to Service interests. An example of this type of request is for back-sloping a hill adjacent to the ROW to remove a snow catch area. Construction methods here include stripping away the vegetation and topsoil, removing enough of the hill to satisfy the sloping requirements, re-spreading the topsoil, and reseeded the vegetation to the manager's specifications.

It is expected that the use will be conducted as a one time event in the summer season when frost no longer exists and conditions have dried sufficiently to minimize grass disturbance. There is little to no future maintenance.

Availability of Resources:

Financial and staff resources are determined to be sufficient at each field station to administer these requests. Staff time will be needed to evaluate the proposed use, to prepare the site-specific permits, and to insure compliance with the permit authorization and stipulations, as well as checking for satisfactory restoration of any disturbed sites after the reseeded areas have had a chance to grow in.

No specialized equipment will be necessary, as the work requirement associated with these projects is monitoring and compliance checking only. Actual work, including restoration needs, will be completed by the applicant as specified by the wetlands manager.

Anticipated Impacts of the Use:

The uses authorized under this compatibility determination must result in impacts that are only very minor and temporary in nature. In other words, there will be NO long term negative impacts to Service land or water interests.

Examples of work authorized under this Compatibility Determination include:

- trenched and backfilled areas to accommodate buried pipelines and cables
- buried utility lines or PVC water lines using a cable plow
- excavated trenches using a backhoe equipped with a “trenching” bucket (approximately 8 inches wide).
- use of crawler-type equipment to shave hills and back-sloping associated with highway safety projects which may extend beyond the existing ROW.

Anticipated impacts are as follows:

- temporary disturbance to the grassland area during and for a period of time following the backfilled trench
- some wildlife may be temporarily displaced during the actual construction
- water quality may be temporarily and slightly reduced due to possible silt deposition if a rainstorm washes the exposed areas for a short period of time after backfilling the trenches or washing of the exposed back-sloped areas.

There will be no long-term impacts nor will there be any cumulative impacts to Service lands or interests.

Public Review and Comment:

The period of public review and comment began April 10, 2005 and ended April 17, 2005.

Posted notices were made in public places for each of the field stations listed on this Compatibility Determination. This method was selected because the proposed activity is considered minor, incidental, infrequent, with only short-term disturbance, and/or displacement of wildlife. No comments were received as a result of the posted notices.

Determination:

Compatibility Threshold: Material Interference of Detraction from the Purposes and/or Mission of the NWRS.

_____ Use is Not Compatible

XXX Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Issuance of a permit does not preclude the requirements for obtaining necessary permits and/or approvals from other County, State, or Federal Agencies and from local landowners.
2. The permit is issued subject to the revocation and appeals procedure contained in Title 50, Part 25 of the Code of Federal Regulations.
3. The proposed activity will result in no impacts to wetlands protected by FWS easements. No wetlands or any part thereof will be filled with any material, leveled by any equipment, drained by any means including pumping or by diverting water, or burned.
4. Any work within protected wetland basins will be backfilled and compacted to the normal contour of the wetland bottom. No excess, non-compacted fill will be permitted.
5. Upland impacts to areas protected by FWS grassland easements will be only temporary. Any disturbed areas will be leveled, seeded, and restored to pre-work condition as specified by the Refuge Manager.
6. Additional stipulations may be added to address specific concerns with individual projects.
7. The authorization under the permit issued in accordance with this determination is for the initial construction only; any future maintenance or repairs will require additional consultation with the Wetland Management District office, and will require a supplemental permit issued prior to the initiation of any remedial work.

Justification:

There will be minimal and temporary disturbance to the wetland and grassland resources protected by the Service's fee or easement by this activity. The use will not detract from or materially interfere with the mission or purpose of the NWRS. The uses covered by this CD are considered NOT to be an economic use under the guidelines found in 50CFR29.1.

Prior to issuing any permit, the manager will have worked with the applicant to avoid as many impacts as possible, and then to minimize any impacts to Service interests. The impacts are deemed to be minor and only temporary, and complete site restoration will occur, usually with the next growing season.


Where possible, and without compromising any preservation program goal or objective, and without affecting (in the long term) any land interest held by the Service, it is critically important that field stations be able to accommodate these requested uses which are designed to improve highway safety or the quality of life in rural America.

Mandatory 10-Year Reevaluation Date:


10 years from the date of APPROVAL signature.

Enter Reevaluation Date: _____

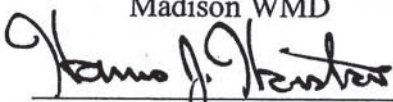
Signatures:Submitted:


 Michael Bryant, Project Leader
 Lake Andes WMD

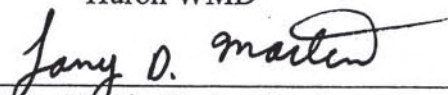
3/10/2005
 Date


 Tom Tornow, Project Leader
 Madison WMD

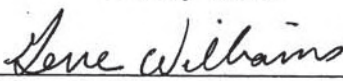
3-10-05
 Date


 Harris Hoistad, Project Leader
 Huron WMD

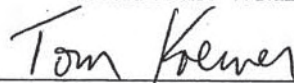
3-10-05
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 Larry Martin, Project Leader
 Waubay WMD

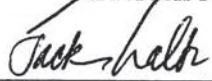
3-10-05
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 Gene Williams, Project Leader
 Sand Lake WMD

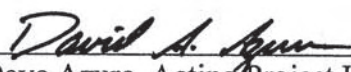
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 Date


 Tom Koerner, Project Leader
 Lacreek NWR

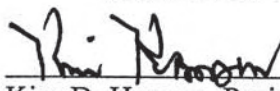
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 Jack Lalor, Acting Project Leader
 Tewaukon WMD

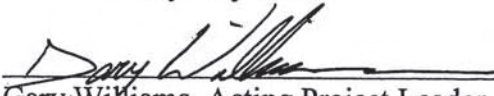
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 Dave Azure, Acting Project Leader
 Kulm WMD

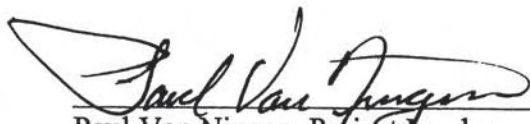
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 Kim D. Hanson, Project Leader
 Arrowwood WMD
 Chase Lake WMD
 Valley City WMD

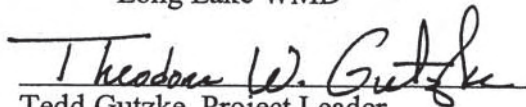
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 Gary Williams, Acting Project Leader
 Audubon WMD

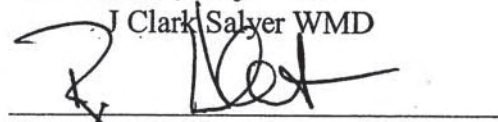
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 Paul Van Ningen, Project Leader
 Long Lake WMD

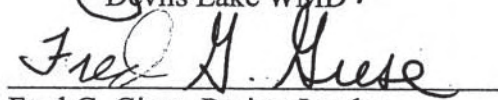
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 Tedd Gutzke, Project Leader
 Clark Salyer WMD

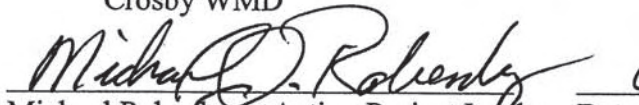
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 Roger Hollevoet, Project Leader
 Devils Lake WMD

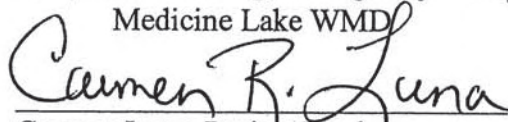
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 Fred G. Giese, Project Leader
 Lostwood WMD
 Crosby WMD

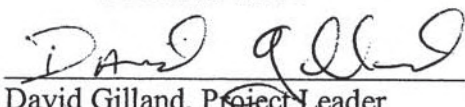
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 Michael Rabenberg, Acting Project Leader
 Medicine Lake WMD

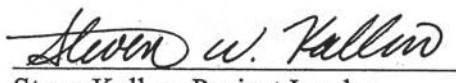
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 Carmen Luna, Project Leader
 Bowdoin WMD

4/26/05
 Date



 David Gilland, Project Leader
 Benton Lake WMD

4/26/05
 Date


 Steve Kallan, Project Leader
 NW Montana WMD

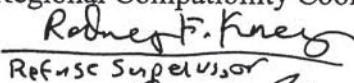
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Review:


 Lloyd Jones
 Regional Compatibility Coordinator

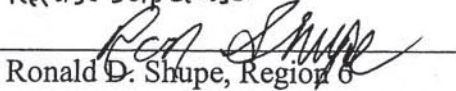
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 4/28/05


 Rodney F. Kiney
 Refuge Supervisor

4/28/05

Approval:


 Ronald D. Shupe, Region 6
 Acting Chief of Refuges

3/24/05 2005
 Date

